

Remarks

Claims 3 and 4 are allowed. Claims 1, 2, 5, 6, and 8-12 stand rejected under 35 U.S.C. §103(a) as being obvious over U. S. Patent No. 6,354,142 to Nothhelfer et al. ("Nothhelfer") in view of an article entitled, "Introduction to Helium Mass Spectrometer Leak Detection" to Varian Associates, Inc. ("Varian") and U. S. Patent No. 5,373,729 to Seigeot ("Seigeot"). Claims 8 and 11 stand rejected under 35 U.S.C. §112 as failing to comply with the written description requirement.

To expedite an allowance, applicants cancel the rejected claims without prejudice or disclaimer and presents new claims 15-23, which are believed to recite combinations of elements considered allowable by the Examiner in view of the Examiner's indication of allowability as to previous claims 7 and 13. It emphasized that the cancellation of the claims is without prejudice or disclaimer. Applicants expressly reserve the right to pursue claims to the subject matter of the rejected claims in a related application (*e.g.*, a continuation). The Examiner will note that claim 3 has been amended. However, claim 3 has been clarified and broadened by amendment and hence, the amendment to claim 3 will not be regarded as a "narrowing" claim amendment. Because claim 3 continues to recite combinations regarded as allowable, it is believed that the amendments to claim 3 do not raise new issues for consideration.

Regarding the rejections under 35 U.S.C. §112, the Examiner states that specification does not support the recital of a foil leak detection configured to be hand operated. However, the Examiner will note that page 3 of the specification describes a handle 6 provided at an upper frame 2, and that handle 6 is clearly shown in Figs. 1 and 2. While the applicants believe that the claims reciting hand operation elements are fully supported, applicants new claims 16 and 21 recite the element of a handle provided at a frame so that claims utilize the same language as the patent specification relative the hand operation elements.

U. S. Patent Application No. 10/031,876
Amendment Dated May 18, 2005
Reply to Office Action Dated February 18, 2005

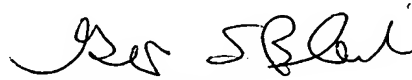
Accordingly, in view of the above amendments and remarks, applicants believe all of the claims of the present application to be in condition for allowance and respectfully request reconsideration and passage to allowance of the application.

If the Examiner believes that contact with applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicants' representative at the phone number listed below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

Respectfully submitted,
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Date: May 18, 2005



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